



PATENT

Attorney Docket No.: 28076/SV758A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of: Li Liu)
U.S. Patent No. 6,179,889)
Issued: January 30, 2001)
For: VACUUM CLEANER TANK)
ASSEMBLY)
Filed: July 15, 2003)
Group Art Unit: 1724)
Examiner: Christopher Upton)

**REISSUE APPLICATION DECLARATION BY THE ASSIGNEE
PURSUANT TO 37 C.F.R §§ 1.172 AND 1.173,
INCLUDING STATEMENT PURSUANT TO 37 C.F.R. § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Shop Vac Corporation hereby declares that:

1. The company believes that Li Liu is the original, first, and sole inventor of the subject matter which is described and claimed in U.S. Patent No. 6,179,889 (hereinafter "the '889 patent"), for which a reissue patent is sought on the invention entitled "Vacuum Cleaner Tank Assembly." Mr. Liu is a U.S. citizen whose residence and mailing address is 475 E. 5th Avenue, Apt. #7, South Williamsport, PA 17701.

2. The entire right, title, and interest to the '889 patent is vested in Shop Vac Corporation, as evidenced by an assignment recorded in the U.S. Patent and Trademark Office at Reel 010160, Frame 0388:

3. We have reviewed and understand the contents of the '889 patent specification, including the claims, as amended by the "Preliminary Amendment" that was filed on July 15, 2003.

4. Shop Vac Corporation consents to the filing of the present reissue application.

5. We understand that the present reissue application does not seek to enlarge the scope of the claims of the '889 patent.

6. We believe the '889 patent to be wholly or partly inoperative or invalid by reason of a defective specification and drawing.

7. Specifically, the specification of the '889 patent at column 1, line 62, to column 2, line 3, discloses a first fitting having a second ridged member, and that the second ridged member is trapped against a second abutment. This disclosure is in error. The proper disclosure is best shown in original Figures 4 and 5, where the first fitting has a first ridged member that is trapped between first and second abutments. During preparation of the application that resulted in the '889 patent, the design of the vacuum cleaner assembly changed. The changes were incorporated into the drawings that were filed with the application, but the specification was inadvertently not revised in accordance with the updated drawings.

8. In addition, errors similar to those noted above in paragraph 8 were made in the specification at column 2, lines 21-29, which discloses a first fitting having a second ridged member that is forced against a fitting abutment. This disclosure is also in error, as the first fitting has a single ridged member that is trapped between a cylinder abutment and the fitting abutment, as best shown in original Figures 4 and 5.

9. Errors similar to those noted above in paragraphs 8 and 9 were made in the specification at column 3, lines 58-64, which discloses a second ridged member of the inlet fitting being loosely trapped adjacent a swivel fitting. Again, this disclosure is in error, as the first fitting has a first ridged member that is loosely trapped between a cylinder abutment and a swivel fitting abutment.

10. Figures 1 of the '889 patent also contains an incorrect lead line. The lead line for reference numeral 31 points to a base of the threaded cylinder 28. This disclosure is in error. The cylinder abutment 31 instead is at the opposite end of the threaded cylinder 28.

11. All the errors that are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the patentees.

12. We acknowledge a duty to disclose to the U.S. Patent and Trademark Office all information of which we are aware and which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.

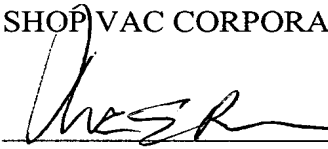
13. There are no prior or concurrent proceedings (such as interferences, reissues, reexaminations, or litigations) in which the '889 patent is or was involved.

14. All communications concerning this application should be directed to:

Richard M. LaBarge
MARSHALL, GERSTEIN & BORUN, LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606 6357
(312) 474 6300 (TELEPHONE)
(312) 474-0448 (FACSIMILE).

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this reissue application, any reissue patent issuing thereon, or any patent to which this declaration is directed.

SHOP VAC CORPORATION

By: 
Mark E. Baer
SR, Vice-President Engineering and Operations

Dated: 12/19/05